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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ZHENG, JACKY X	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/775,095	IMAI ET AL.	
	Examiner	Art Unit	
	JACKY X. ZHENG	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on March 7, 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-33 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on February 11, 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/23/2004.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

1. This is the initial office action based on the application filed on March 7, 2008.
2. Applicant's election with traverse of Species I filed on March 7, 2008, corresponding to Claims 25-26, 28-29 and 31-32 is acknowledged, restriction requirement dated January 4, 2008 is herein withdrawn for the reasons set forth below.

Following are Examiner's response to Applicant's arguments. The traversal is on the ground(s) that "...the indefinite articles 'a' or 'an' means 'one or more'...", so "a card slot" or "a card reader" (disclosed on Pg. 6, ln 15 of Specification; and for instance in claim 25) do not limit to a single card slot or a single card reader and " the requirement does not identify the embodiment from the specification...". Applicant's arguments are fully considered, but found to be not persuasive. First, according to Applicant's argument, "a card slot" as indicated in Specification, Pg. 6, ln 15 and "a multislot card reader" as indicated on same page, ln 23, should be referring to a same reader, such arguments are not entirely persuasive as there is no evidence being pointed out by Applicant, either from the claim languages or from the original disclosure in supporting the two being referred to one same reader. One of ordinary skill in the art will be able to differentiate the technical variations between a single slot and a multi-slot card reader. Further, arguments relating to improper restriction are also found to be not persuasive for at least the following reasons. In accordance with MPEP 803.01, with respect to the two criteria for a proper requirement for restriction, and Examiner respectfully submits that the both criteria have been clearly set forth in the office action dated January 4, 2008, specifically in Paragraphs 4-5 and 7 respectively. In addition, with respect to Applicant's arguments relating to identification of embodiments, Examiner herein further direct the attention to, Specification, Page 8, line 19,

sectioned "First Embodiment", also supported by Figures 1-3 (as evidenced by "Brief Description of the Drawings); and following by Page 31, line 16, sectioned "Second Embodiment", also supported by Figures 4-7 (as evidenced by "Brief Description of the Drawings). Therefore, the requirement is remained proper for at least the reasons set forth above; however, the requirement is herein withdrawn merely for purpose of advancing the prosecution while further demonstrating the evidences of different embodiments supported by Applicant's original disclosure, therefore Examiner reserves the right for further requirement if necessary and in accordance with 37 CFR 1.142 (a).

3. **Claims 1-33** are pending.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on June 23, 2004 was filed after the mailing date of the application on February 11, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

7. The disclosure is objected to because of the following informalities: in Specification, Pg. 3, ln 20, "memory cart" should be spelled as "memory card". Suggestion of checking the remaining of specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claim 4** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 4 recites the limitation of "*...judges whether or not the card have been inserted... in accordance with a signal from card reading/writing means*". Such a limitation has not been explicitly depicted with sufficient descriptions in the instant claim for one of ordinary skill in the art to realize the scope of the claim intended. The scope of such a limitation is unable to be determined, which renders the claim scope indefinite. Further clarification is required.

Additionally, for purposes of advancing the prosecution and prior art rejection below, Examiner makes interpretation of such a limitation as the subsequent reading or writing processes to be relied on the detection results of whether or not the card have been inserted.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. **Claims 17-24 and 31-33** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are drawn to “a program” per se, which can be characterized as either “functional descriptive material” or “nonfunctional descriptive material”. As functional descriptive material when “consists of data structures and computer programs which impart functionality when employed as a computer component”; and as non-functional descriptive material if it “includes but is not limited to music, literary works and compilation or mere arrangement of data” The claims are being considered as functional descriptive materials in this case. However, “both types of “descriptive material” are nonstatutory when claimed as descriptive material per se” (*see MPEP 2106*).

In addition, even considering the claim as “functional descriptive material” imparts with functionality, but not being employed as a computer component (or other physical structures), is considered as non-statutory. “In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory.” (*see Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035; MPEP 2106.0-I*).

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C 101 (non-statutory) above are further rejected over prior art(s) as set forth below. Suggestion of amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekikawa (U.S. Patent No. 6,498,658).

With regard to claim 1, the claim is drawn to an image processing apparatus which is equipped with plural card slots in which detachable cards are respectively inserted (see Sekikawa, i.e. Fig. 1 “a digital copier”; and col. 4, lines 44-48, provided with “a card connector 118”, provided with both a card connector for input and a card connector for output;), comprising: an operation panel including an operation unit and a display unit (see Sekikawa, i.e. Fig. 2, “operational panel”); accessible card slot setting means for setting one of said plural card slots as an accessible card slot by using said operation unit and said display unit; and card control means for, in case of accessing the cards inserted in said plural card slots, accessing the card inserted in the accessible card slot set by said accessible card slot setting means (see Sekikawa, i.e. Fig. 30 and col. 21, ln 26-32, “Control Part 111” performs: “detection control of the insertion of the memory card into the card connector 118”, reading and writing of data in the memory card and etc.)

With regard to claim 2, the claim is drawn to an image processing apparatus according to Claim 1, wherein, when a power supply for the entirety of said image processing apparatus is

turned off, the accessible card slot set by said accessible card slot setting means is changed to be unavailable (*Examiner submits that one of ordinary skill in the art would be able to realize such an inherent characteristic of a device (or reader) to be unavailable when "a power supply for the entirety of said image processing apparatus is turned off", where the reader is connected therein*).

With regard to claim 3, the claim is drawn to an image processing apparatus according to Claim 1, further comprising: main control means for controlling the entirety of said image processing apparatus (*see Sekikawa, i.e. Fig. 1, "Main CPU 131"*); and card detection means for judging whether or not the cards have been inserted respectively in said plural card slots, in accordance with a command inquiry to said card control means (*see Sekikawa, i.e. Fig. 30, "Control Part 111", "detection control of the insertion of the memory card into the card connector 118"; also "detector" in claim 1; Fig. 22, col. 18, ln 19-26;).*

With regard to claim 4, the claim is drawn to an image processing apparatus according to Claim 3, wherein said main control means judges whether or not the cards have been inserted respectively in said plural card slots, in accordance with a signal from card reading/writing means (*see Sekikawa, i.e. Fig. 30, "Control Part 111", "detection control of the insertion of the memory card into the card connector 118"; also "detector" in claim 1; in addition, Figure 4a and 4b., Steps 401-403, perform detection steps of whether the memory card is insert in the input/output side, and further perform accessing operation based on the result*).

With regard to claim 5, the claim is drawn to an image processing apparatus according to Claim 2, wherein, when the power supply for the entirety of said image processing apparatus is turned on in a state that the cards are not inserted in all of said plural card slots, said accessible

card slot setting means thereafter sets, as the accessible card slot, the card slot in which the card is first inserted (*see Sekikawa, i.e. according to Fig. 4A, if a memory card is first inserts into "Input Side", the memory card will be used as input source as disclosed on col. 19, ln 12-17 that for parameters "b" and "d", "the card is set as the input source"*).

With regard to claim 6, the claim is drawn to an image processing apparatus according to Claim 2, further comprising card slot determination means for, when the power supply for the entirety of said image processing apparatus is turned on in a state that the plural cards have been inserted in said plural card slots, determining the accessible card slot according to predetermined order of priority (*see Sekikawa, i.e. Fig.24, disclose selecting of a source according to parameter table, which is predetermined as illustrated in Fig. 4A, step 404; also see col. 18, ln 19 - col. 19, ln 17;*).

With regard to claim 7, the claim is drawn to an image processing apparatus according to Claim 2, further comprising card slot determination means for, when the power supply for the entirety of said image processing apparatus is turned on in a state that the plural cards have been inserted in said plural card slots, determining the accessible card slot according to order of priority previously set by an operator (*see Sekikawa, i.e. Fig.13 and 19*).

With regard to claim 8, the claim is drawn to an image processing apparatus according to Claim 2, wherein, when the power supply for the entirety of said image processing apparatus is turned on in a state that the plural cards have been inserted in said plural card slots, said accessible card slot setting means sets, as the accessible card slot, the card slot which was set as the accessible card slot last time (*see Sekikawa, i.e. according Fig. 4A, if a memory card is insert*

into "input side" first, and the power supply is turned off and then turned on again, the memory card in input side will still be processed first).

With regard to claims 9-16, the claims are drawn to a control method for an image processing apparatus, comprising the substantially identical methods carried out by elements in the image processing apparatus discussed in claims 1-8 above (*The claim is rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claims 1-8 above*).

With regard to claims 17-24, the claims are drawn a program for causing an image processing apparatus to execute, the substantially identical procedures carried out by elements in the image processing apparatus discussed in claims 1-8 above (*The claim is rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claims 1-8 above; furthermore, i.e. col. 4, ln13-21, Sekikawa, also discloses "control program" stored in either RAM or ROM*).

15. **Claims 25-26, 28-29 and 31-32** are rejected under 35 U.S.C. 102(b) as being anticipated by Reed (U.S. Patent No. 6,426,801).

With regard to claim 25, the claim is drawn to a recording apparatus comprising: a card reader including an external interface, plural connection units in which plural kinds of external storage cards are inserted and which respectively correspond to said plural kinds of external storage cards (*see Reed, i.e. Fig. 1, 32 and 34, "first drive" and "second drive"; col. 3, ln 22-64, disclose the first and second drives could be, floppy, tape, optical, flash memory or any other device capable of reading and/or writing, further disclose flash memory could be, SmartMedia,*

PCMCIA, CompactFlash and etc.), and a card access exclusive control unit which performs control to transfer data of the external storage card inserted in selected one of said plural kinds of connection units to said external interface or transfer data from said external interface to said external storage card inserted in said selected one connection unit (see Reed, i.e. Fig. 7, "First Controller 70"; col. 5, ln 11-14, "interfaces with the parallel port, the first drive, the second drive and the user interface; and Fig. 8, clearly disclose the flow of control of selecting "one of said plural kinds of connection units" in steps 86, 94 or 96;); connection means for connecting with said external interface (Fig. 7, "Parallel Port 54"; or Fig. 1, "USB interface 38"); data reading means for reading the data of the external storage card from said card reader through said connection means; and recording means for recording the data read by said reading means (see Reed, i.e. col. 5, ln 60-67, files in memory card can be detected by "the first controller"; col. 6, ln 44-46, file index can be stored as an array by "the first controller") .

With regard to claim 26, the claim is drawn to a recording apparatus according to Claim 25, further comprising: connection means for connecting with an external information processing apparatus (i.e. Fig. 4, 64 "parallel port"); and control means for performing control to be able to access said external storage card through said connection means connecting with said external information processing apparatus (i.e. Fig. 4, 56 "third drive").

With regard to claims 28-29, the claim is drawn to a control method, comprising the substantially identical steps carried out by the element discussed in claims 25 and 26 above (*The claims are rejected under the same ground for at least the reasons set forth above in claims 25-26. See the detailed discussion of the claims 25-26 above; claim 18 in Reed also disclose the method claim*).

With regard to claims 31-32, the claim is drawn to a program, to execute the substantially identical procedures carried out by the element discussed in claims 25 and 26 above (*The claims are rejected under the same ground for at least the reasons set forth above in claims 25-26. See the detailed discussion of the claims 25-26 above.*).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claims 27, 30 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed (US Patent No. 6,426,801) and further in view of Hanaoka et al. (US Patent No. 6,804,023).

With regard to claim 27, see the abovementioned teachings of Reed discussed with details above. Reed does not *explicitly* disclose the limitation of a power supply changeover circuit for supplying power for the external storage card to only one of said plural connection units on the basis of the respective detection signals.

However, Hanaoka et al., disclose an invention relates to an information processing system which runs a program supplied from an external portable memory means such as an IC card as well as a program installed therein, and further disclose a method of memory card processing. See Hanaoka et al. i.e. Fig. 29 and col. 17, ln 39-41, further discloses "a switching transistor 43" that supplies electric power to the memory card 12, and a buffer 44 connects the

memory cards and the CPU by bus; Fig. 29 also discloses "card insertion signal" (*also see col. 17, ln 34 - col. 18 ln 44*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have modified Reed to include the limitation of a power supply changeover circuit for supplying power for the external storage card to only one of said plural connection units on the basis of the respective detection signals taught by Hanaoka et al. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Reed by the teachings of Hanaoka et al to include he limitation of a power supply changeover circuit for supplying power for the external storage card to only one of said plural connection units on the basis of the respective detection signals taught by Hanaoka et al., thereby "*CPU can terminates its action without causing malfunction due to excessive voltage drop*" (*col. 18, ln 25-26*), "...*the reset control of the CPU can be performed regardless of the presence of the memory card* (*col. 18, ln 29-30*)" and "...*resetting the CPU without causing malfunction due to extraction of memory card* (*col. 18, ln 37-38*).

With regard to claim 30, the claim is drawn to a control method, comprising the substantially identical steps carried out by the element discussed in claim 27 above. (*The claim is rejected under the same ground for at least the reasons set forth above in claims 27. See the detailed discussion of the claim 27 above; and again see Reed, Fig. 8 for detection step*).

With regard to claims 33, the claim is drawn to a program, to execute the substantially identical procedures carried out by the element discussed in claim 27 above (*The claim is rejected under the same ground for at least the reasons set forth above in claims 27. See the detailed discussion of the claim 27 above; and again see Reed, Fig. 8 for detection step*).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A. Reed (U.S. Patent No. 6,665,092) discloses a stand-alone printer provided with a first drive, second, and third drives capable of receiving the computer readable medium stored with digital representation of data.
- B. Narusawa et al. (U.S. Patent No. 6,947,171) disclose a multifunction printer, each having a card reader.
- C. Masumoto et al. (U.S. Patent No. 7,298,523) disclose a print apparatus which receives image data from a digital camera, PC card, or PC.
- D. Nitta (U.S. Patent No. 6,882,440) discloses a printer, image processing device and method.
- E. Kakigi et al. (U.S. Patent No. 2002/0054350) disclose an image recording device and method.
- F. Pierre Bertin et al. (U.S. Patent No. 2002/0029090) disclose an invention relates to an apparatus for receiving an audiovisual program comprising a circuit for communication with means of connection to a bidirectional communication network, wherein the apparatus comprises a first connector for communication with a master apparatus; a second connector for communication with a peripheral apparatus.
- G. Hirai et al. (U.S. Patent No. 2002/0051227) disclose a facsimile device having SD memory card reader and writer for accessing the data.

H. Hunter (U.S. Patent No. 6,914,698) discloses a method and apparatus for printing image files, see Fig. 4A and 4B.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacky X. Zheng whose telephone number is (571) 270-1122. The examiner can *normally* be reached on Monday-Friday, 8:30 a.m. - 5 p.m., Alt. Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacky X. Zheng/
Examiner, Art Unit 2625

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